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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

PIROUZ SEDAGHATY,

Defendant.

CR 05-60008 HO

**DEFENDANT'S REQUESTED
VOIR DIRE**

Defendant Pirouz Sedaghaty, through his attorneys, Steven T. Wax and Lawrence Matasar, pursuant to Fed.R.Crim.P. 24(a), hereby requests that the Court *voir dire* the jury using these questions and with open-ended questions as much as possible. For questions other than those which would elicit specific

background information, we request that the jurors not be given a suggested answer in the question. We believe that open-ended questions, that is, questions which ask what one thinks, how one feels, how one reacts, etc., to a particular proposition provide the best gauge of a juror's attitudes, biases, and fitness to serve.

I. PRELIMINARY STATEMENT TO THE PROSPECTIVE JURORS

Mr. Sedaghaty requests that the Court give the following introductory statement at the beginning of *voir dire*:

Ladies and Gentlemen, I am going to talk with you briefly this morning, and then we will ask you for your patience while we ask some individual prospective jurors questions.

The process we are about to begin is known as *voir dire*, which means to speak the truth. I will ask you questions regarding your qualifications to serve. As I indicated, some of it will be done individually. You should understand that although it is your duty as a citizen to serve on a jury if called, it is also your duty as a citizen not to serve on a jury if there is any reason whatsoever that you cannot do so in fairness to the government, the defendant, or to yourself.

With respect to the questions that I will ask you, I want to emphasize that there are no right or wrong answers. This is not a test, and I have no expectation from you as to what your answers ought to be. You know what the truth of your opinions and feelings are, and that is what we need to hear. You should not in any way feel that you should strive to give an answer that will be acceptable to me, or to the lawyers, or to others involved in the case. None of us want that, and that is not what this is all about.

What this is all about is to get honest, straightforward information from you when we ask you what your knowledge, or opinions, are. What we need are straightforward answers as to your opinions, or an honest factual response, if the question calls for that. I emphasize this because prospective jurors may feel that the authority figure of the judge may play a role that is not really helpful to the process, and I can assure you that is not my purpose. What we are striving for is an informal atmosphere in which the questions are put to you, and your only obligation is to answer truthfully. There are

no right or wrong answers. What is important is that you be as honest as you can in your responses, as I have been indicating.

The purpose of *voir dire* is to give me and the attorneys an opportunity to learn some things about each of you that might be important to your serving on this case. I will ask you what you might have read, seen, or heard about this case, and some questions about your line of work now, and what you have done in the past. You may also be asked some questions about your views on some issues involved in this case that might affect your evaluation of the evidence one way or another.

If you don't understand a question, just speak up and I will clarify it. What is most important is that you be as honest and forthright as you possibly can.

A number of you may be excused from this jury. It should not be an embarrassment to you in any way if you are excused. It carries with it no disqualification, no suggestion of disqualification, and certainly no stigma. It does not mean that you cannot serve on a future jury.

What we ask is that, above all, you be, again, honest and forthright in stating your opinions and feelings.¹

II. BACKGROUND INFORMATION

1. Please provide us with some information about your background and that of your family, including where you currently reside, where you were born, when you moved to your current address, your educational background, the number of children you have, your occupation, and your spouse's occupation.

2. Regarding your employment, please tell us about some of your responsibilities.

- a. Are you in a position of responsibility?
- b. Do you have responsibility for hiring and firing?

¹The requested statement is adapted from one given by Chief Judge Robert Peckham in the Northern District of California.

- c. Do you work with money?
 - d. Do you do any accounting?
3. Do you have any close family members employed by the government?
 4. Do you belong to any clubs or organizations? (For example: religious groups or churches, service clubs, unions, professional organizations, volunteer activities, educational or political groups.)
 - a. If yes, please tell us about them.
 - b. Please tell us about any offices or official positions you have held in any of these organizations.
 5. Have you ever donated money/goods to any charitable causes or organizations?
 - a. Have you ever contributed to a charity because you believe in its principles, even though others have criticized its activities? If Yes, please describe the charity or charities.
 - b. Please list the causes or organizations to which you have donated money/goods or at which you have volunteered.
 - c. Did any of these organizations represent to you that they provided aid to people outside the United States?
 6. What are your hobbies or spare time activities?
 7. Have you ever been appointed or elected to any office in any governmental body or organization?
 - a. If so, please tell us about it.
 8. Do you think that there are some political organizations that should be restricted or outlawed? Which ones and why?

III. MILITARY BACKGROUND

1. Have your, your spouse, parents, or children ever served in the military? If yes, what branch and rank?
2. Is any member of your family serving in the military at the present time?
 - a. If Yes, please explain who (relation to you), where, and duty.
3. Have you, any children or relatives, or anyone close to you, served in the recent war in Iraq, in Desert Storm or in military operations in Afghanistan and other areas of the Middle East?
 - a. What branch and rank?
 - b. Where is, or was, that person stationed?
4. Were any such persons ever in a combat situation?
 - a. Has anyone in your family been injured or killed while serving in a combat or military zone? If Yes please explain who (relation to you), where, when and circumstances of injury or death?
5. Have you, or anyone in your family, worked or volunteered in a civilian or nonmilitary government capacity anywhere in the Middle East?
 - a. If Yes, please explain who (relation to you), where, when and circumstances.
6. Do you, or anyone in your family, have plans or orders to go to the Middle East, whether as a member of the military or as a civilian?
 - a. If Yes, please explain who (relation to you), where, when and for what purpose(s).

IV. MEDIA INFORMATION

1. Do you read a newspaper, magazine, newsletter or web entities regularly (at least two or three times a week)?
 - a. If Yes, what are the newspaper, magazine, newsletter or web entities you read?
 - b. How often do you read each news source?
2. Do you watch any television newscasts on a regular basis?
 - a. If Yes, which ones?
3. Do you ever listen to political commentators on TV or “talk radio?”
 - a. If Yes, what station(s) and show(s) do you listen to?
4. Do you use the internet as a source of news and information?
 - a. If Yes, which web pages do you view?
5. Do you believe that information that is viewed and read about through the media or television, in newspapers, or on the internet, is protected free speech under the First Amendment of the United States Constitution?
 - a. How do you feel about that?
6. Do you have a personal computer at home, or do you have daily access to a personal computer outside your home (e.g. at work, library, etc.)?
 - a. How often do you log onto the internet?
 - b. How much time do you spend on the internet daily?
 - c. What do you spend the *most* internet time on, i.e., e-mail/Chatting /Instant messaging; entertainment (games, cards, puzzles); shopping/auctioning; stock trading; banking/paying bills; research/Information

gathering; reading the news/current events; fantasy sports; gambling; downloading music; blogging; or other.

7. Are you, or a member of your family or friends, members of any organization, or a recipient of any e-mail listserves, where you, or your family member or friend, does not agree with every aspect of that organization or Listserv?

a. If yes, what organization or listserv are your referring to, and why do you, or your family member or friend, continue to participate in that organization or receive e-mails from that listserv?

V. PRIOR JURY EXPERIENCE

1. Have you ever served on a jury?

a. Did you serve on a criminal or civil jury?

b. If civil, do you understand that the burden of proof in a criminal case is beyond a reasonable doubt rather than the preponderance of the evidence standard in civil cases?

c. If criminal, when and in what county? What were the charges?

d. Did you go through deliberations?

e. Did that experience leave you with any impressions about the justice system?

i. If yes, what are they?

f. Did anything occur during your prior service which would cause you to say that you would rather not sit on another jury?

g. Did anyone comment to you, after your prior service, that you had done either the right or wrong thing? If so, did it cause you to question your judgment?

2. Have you ever served on or testified before a grand jury?

a. If yes, when and in what court?

b. What was your reaction to that experience?

3. What do you understand as the difference between the function of a jury and a grand jury?

a. Do you understand that the indictment is proof of nothing, that it is merely an accusation?

b. Do you understand that the defendant ordinarily does not appear at the grand jury?

c. Do you understand that there is no defense attorney present before the grand jury?

d. Do you understand that there is no judge present in the grand jury?

e. Do you understand that the indictment or grand jury proceeding is merely the way in which the charge is brought into court in which an accused has his first opportunity to challenge the evidence and respond to the charges?

VI. CONNECTIONS WITH LAW ENFORCEMENT

1. Are you, or any members of your family or close friends, currently employed by any law enforcement agency (including federal law enforcement agencies, such as the IRS and FBI)?

2. Have you or any of your close family members or friends, been employed by a law enforcement agency?

3. If yes to No. 1 or No. 2, with whom do you or your associates work and in what capacity?

4. Have you ever provided any information to the police about an offense?

a. If so, under what circumstances?

b. Have you ever done so anonymously?

5. Have you ever been on a "ride along" with police on their duties?

6. Do you belong to any Neighborhood Watch associations?

7. What are your attitudes about law enforcement?

8. How would you compare the credibility of a law enforcement against other witnesses?

a. Should they be judged by the same standard as other people?

9. Have you, or any members of your family or close friends or relatives, ever been the victim of a crime?

a. If yes, what where the circumstances?

b. Was the offense reported to the police?

i. If yes, what happened? (e.g. did it go to court, etc.)

ii. If no, why not?

iii. If yes, were you interviewed by the police?

(1) Was a suspect caught?

(2) Did you testify in court?

c. What feelings did you carry away from that experience?

10. Have you or anyone close to you ever been accused, arrested, charged or convicted of a crime, other than a traffic ticket?
11. Have you ever testified in a court proceeding?
 - a. If yes, what were the circumstances?
 - b. What was your reaction to the courtroom process?
12. Have you ever watched a courtroom proceeding?
 - a. If yes, why?
 - b. What was your reaction?
13. Do you have any relatives or close friends who are attorneys?
 - a. If yes, do they work in the area of criminal law?
 - i. If yes, do you discuss their work with them and if so, how do you feel about it?

VII. PRESUMPTION OF INNOCENCE AND BURDEN OF PROOF

1. How do you feel about the fact that Mr. Sedaghaty is presumed to be innocent of the charges against him?
2. What does the presumption of innocence mean to you?
3. Do any of you have any reservations at all about according the Mr. Sedaghaty the presumption of innocence? Do any of you have reservations about your obligation to vote not guilty?
4. The United States has the burden of proving its case beyond a reasonable doubt. This burden never shifts to the defendant. He is presumed innocent and cannot be convicted unless the jury, unanimously and based solely on the evidence presented in court, decides their guilt has been proved beyond a

reasonable doubt. Would you have any difficulty following this rule, where the allegations against the defendant include support of mujahideen?

5. If you were asked to retire now and deliberate and return a verdict, what would your verdict be?

a. Do you understand that it must be not guilty, since the prosecution has presented no proof and the defendant is entitled to the presumption of innocence?

6. Do you expect Mr. Sedaghaty to testify?

7. If a person does not tell his side of the story, do you feel he is more likely guilty?

a. Why or why not?

8. Do you expect Mr. Sedaghaty to call any witnesses? If yes, why?

9. Do you understand that Mr. Sedaghaty need not produce any witnesses? That the sole burden is on the government?

10. Do you think people should be found guilty on "guilt by association"?

a. Does it make sense to you that people cannot be found guilty simply because they were hanging around with other people who were ?

b. Does it make sense to you that the government is required to prove individual guilt?

11. Does it make sense to you that a person can be found guilty only for the offense charged and not anything else he may have done or how you may feel about him?

12. How do you feel about the fact that the government must prove the defendant's guilt, including each element of the offense, beyond a reasonable doubt before you may lawfully return a verdict of guilty?

13. What does "beyond a reasonable doubt" mean to you?

a. Do you understand that believing that someone probably is guilty is not proof beyond a reasonable doubt?

14. Does it make sense for you to define your role as asking the question, "Has the government proven the defendant's guilt beyond a reasonable doubt?"

15. What do you think I mean when I say that the government never loses a case?

a. Do you understand that the government is satisfied with a just result, whatever that result is?

16. If, at the conclusion of the case, a vote is taken and the vote is eleven to one and you are the one, will you allow your fellow jurors to coerce you into giving up an honestly held opinion?

a. Do you understand that it would be improper for you to do so?

17. Do you understand that it is not your job to solve the crime charged? But only to ask if the government has proven this case?

18. Have you ever received a bill from the Internal Revenue Service, credit card, or telephone company which was in error?

a. If yes, have you ever fought such a bill?

19. Have you ever received a traffic ticket?

a. If yes, have you ever fought such a ticket?

VIII. ATTITUDES TOWARD THE CRIMINAL JUSTICE SYSTEM

1. Have you thought much about our legal system? If yes, what are your views?
2. Have you ever read the Constitution? Studied it? If yes, what do you think of it?
3. Have you discussed our legal and criminal justice systems at home or with your friends? If yes, what opinions have you expressed?
4. Do you have strongly held views about our justice system? If yes, what are they?
5. Some people think that our justice system is too soft. Do you agree? Some people say sentences are too harsh. Do you agree?
6. Do you have at your home any security bars, guard dog(s), alarms, or weapons for self-protection?
7. Do you carry with you any alarms, or weapons for self-protection?
8. Do you belong to any group or organization which is active in political matters concerned with what is called crime prevention or victims' rights?
 - a. If yes, please explain.
9. Do you read about, watch, or listen to electronic information about criminal justice issues, including T.V. shows?
10. Have you or anyone close to you ever been falsely accused of a crime?
 - a. If yes, please explain.

IX. QUESTIONS ON RACE AND RELIGION

1. It should be apparent that most (all) of you are White and Mr. Sedaghaty is of Persian descent. He is also Muslim. One of the unfortunate facts

of American life is the existence of negative racial and religious attitudes. Such attitudes are something which I am sure we have all encountered at various times in our lives. Racial and religious prejudice is something which exists within most of us to a certain extent. While I am asking the next series of questions, I would ask each of you to take a close look within to see whether or not Mr. Sedaghaty would be prejudiced in any way as a result of his race or religion if you were to sit on this case.

2. What is your racial/ethnic background?
3. When you were growing up, what was the racial and ethnic makeup of your neighborhood?
 - a. If there were people of other races in your neighborhood, did you associate or play with them?
 - b. Did you do so at their houses?
 - c. Did you have them over to your house?
 - d. Is there any racial or ethnic group you do not feel comfortable being around?
4. Were either of your parents born outside of the United States?
 - a. If yes, please tell us who, where were they born and what year did they come to the United States.
5. Were you, your spouse, your former spouse, or partner born outside of the United States?
 - a. If yes, please tell us who, where were they born and what year did they come to the United States.

6. Have you or any member of your family ever dated someone from a different race?

a. If yes, when?

7. Have you ever contributed any money to any minority-oriented charity such as the Urban League, United Negro College Fund, American Indian College Fund, Muslim Organization, etc.?

8. There are many times when a situation may arise where you may feel fear of another person, perhaps based on their actions, or because of the way that they look. While it is hard to admit to it, it is something that happens to a lot of people. Has there ever been a situation when you have experienced fear of a person because of their race or where they might be from?

a. If yes, please explain the situation.

9. Have you heard the phrase "racial profiling?"

a. If yes, what does that phrase mean to you?

b. How do you feel about it?

10. Are you a member of any group or organization that limits its membership based on race, ethnic origin, or gender?

11. Have you ever been present when another person made a statement or remark that you believe was anti-Muslim or anti-Arab, expressed religious or ethnic insensitivity, or was disparaging of **any** particular religion or race?

a. If yes, how did you respond?

b. Did you remain silent or did you confront the person who made the remark?

12. Have you, or has anyone close to you, been discriminated against in any way?

a. If yes, please describe.

13. Have you had any training or taken any courses or seminars in any of the following: criminal law; Middle Eastern studies; criminology; religion; terrorism; or Islamic law?

14. Do you speak, read, write or understand Arabic or any Arabic dialect?

a. If yes, please describe your proficiency.

b. Any other languages?

15. When you hear the words "Persian," "Muslim," or "Arab," what is the first thought that comes to your mind?

a. What is an Arab?

b. What is a Persian?

16. What is your view of the Muslim or Islamic faith?

a. How did you come to that view?

17. Is there anything about Islamic teachings or doctrine that is personally offensive to you?

a. If Yes, please explain.

18. In what contexts have you had personal contact with people who are Muslims, or of Persian or Arab descent? For example: in the family; in the neighborhood; in organizations; through work/business; In place of worship; in school; none; or other.

a. If you work with any people who are Muslims or of Persian or Arab descent, do you socialize with any of your co-workers outside of work?

b. If there are any people who are Muslim or of Persian or Arab descent who are living in your neighborhood, do you socialize with them? If so, when is the last time you were in neighbor's house for a social event? When is the last time a Muslim or person of Persian or Arab descent was at your house for a social event?

19. Have you had any experience(s) with Muslims, Persians or Arabs that prejudices you against them?

a. If Yes, please describe your experience(s) and the feelings you have.

20. Have you had any particularly pleasant experiences with Muslims, Persians, or Arabs, or associated organizations?

If "Yes" or "I am not sure," please explain.

21. Do you believe that Muslims, Persians, or Arabs advocate or express violence more than individuals from other religious or ethnic groups?

a. If Yes, what gives you that impression?

22. Do you have any experiences, feelings or impressions about Arabs, Persians, or Muslims that would make it difficult for you to listen to the evidence with an open mind and render a verdict based solely on the evidence presented in court when the case involves Arab, Persian, or Muslim men charged with various acts of terrorism?

a. Yes, please explain.

23. Will the fact that Mr. Sedaghaty is from Iran and a Muslim make you more likely to believe he is guilty?

X. TAXES

1. Have you or your relatives or close friends ever been audited by the Internal Revenue Service?

a. If Yes, please explain.

2. Have you or your relatives or close friends ever been assessed a penalty by the Internal Revenue Service?

a. If Yes, please explain.

3. Have you or your relatives or close friends ever been the subject of an Internal Revenue Service or other federal investigation?

a. If Yes, please explain.

4. Do you prepare your own tax returns?

5. Have you ever hired an accountant or other professional to prepare your tax returns?

6. Are you self-employed (either full-time or part-time) or run your own business? To those that answer affirmatively:

a. Do you keep your own books and records, or do you hire an accountant?

b. Do you have any employees? Have you ever had any difficulty with payroll taxes, or with withholding and exemptions for those employees?

c. In general, have you had any difficulties with the Internal Revenue Service in your business?

7. Do you have any particular training in or knowledge of accounting methods and procedures?

a. Have you worked for, applied to, or had training with any banking or financial institution?

XI. WORLD EVENTS

1. How do you define terrorism?
2. How do you define mujahideen?
3. Do you believe all mujahideen are terrorists?
4. Have you followed any criminal cases involving allegations of terrorism or support of terrorism?

a. If Yes, please list the cases and what was or is of interest to you about these cases.

5. Have you or any family members or close friends had any personal experience with acts of terrorism?

a. If Yes, please explain who (relation to you) and circumstances.

XII. CASE KNOWLEDGE

1. Do you know anything about the conflict between Russia and the Chechen people?

2. What have you seen, read or heard about the people and organizations involved in this case? Pete Seda (Pirouz Sedaghaty); Solomon Al Buthe; Al Haramain.

3. Is there anything about the nature of the charges in this case that would affect your ability to fairly evaluate the evidence to determine whether or

not the prosecution has proven the guilt of the defendant beyond a reasonable doubt?

- a. If Yes, please explain.

XIII. EVALUATION OF WITNESSES

1. Do you understand that one of your functions at a trial is to evaluate all of the people who testify?

2. How do you go about evaluating people in your daily lives?

3. How do you normally attempt to determine if someone is telling you the truth, or if someone is mistaken? What factors do you consider?

4. Do you consider yourself a good judge of human nature?

5. What factors do you consider in deciding if someone is telling the truth?

6. Have you experienced someone taking an oath to tell the truth but still lying? If yes, in what circumstances? If not, do you believe that people do that?

7. Do you believe someone can say she is positive of something yet still be mistaken? If yes, in what circumstances? If not, do you believe that people do that?

8. Do you feel that a witness called by the prosecution is more credible than a witness called by the defense?

XIV. FINAL QUESTIONS

1. Do you understand the importance of this proceeding to Mr. Sedaghaty?

2. Is there any matter not covered by this questioning that you think is important to bring to the attention of the Court?

a. If Yes, please explain.

3. Is there any reason why any of you do not believe that you could fairly judge this case?

4. Is there any reason why any of you believe that it would be better if you did not sit as a juror in this case?

Respectfully submitted on August 24, 2010.

/s/ Steven T. Wax

Steven T. Wax
Federal Public Defender

/s/ Lawrence Matasar

Lawrence Matasar